

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

WILLIAM FAMBROUGH,)	
)	
Plaintiff,)	
)	Case No.
vs.)	
)	
UBER TECHNOLOGIES, INC.,)	
)	
Defendant.)	
)	
)	

NOTICE OF REMOVAL

COMES NOW Defendant Uber Technologies, Inc. ("Defendant" or "Uber") pursuant to 28 U.S.C. §§ 1331, 1332, 1367, 1441, and 1446, and for its Notice of Removal, states as follows:

The State Court Action

1. The above-entitled action, now pending in the Seventh Judicial Circuit Court, Clay County, Missouri, is a civil action alleging race discrimination with respect to the Uber Ridesharing Platform. Plaintiff's Petition asserts that Uber denies the "Civil Rights" of minority drivers, but his *pro se* Petition does not specify the civil rights statute he is claiming Uber violated. In a prior related case filed by Plaintiff against the same Defendant with this Court, Case No. 4:19-cv-398, this Court construed Plaintiff's Complaint as attempting to assert a violation of 42 U.S.C. § 1981. *See* Case No. 4:19-cv-398, Docket No. 5 at pg 2.

2. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served upon Defendant is attached hereto as Exhibit A, and the Petition is contained therein.

3. Plaintiff filed his Petition on October 24, 2019. The state court action is styled *William Fambrough v. Uber Technologies, Inc.*, bearing Cause No. 19CY-CV10623.

4. Defendant was served with a civil summons and a copy of the Petition through its registered agent on October 30, 2019. *See* Exhibit A. Thus, this Notice of Removal has been timely filed within 30 days as required by 28 U.S.C § 1446(b).

Jurisdiction and Venue

5. Because the Seventh Judicial Circuit Court of Clay County, Missouri, State of Missouri, is within this district, this Court is the appropriate venue for removal. 28 U.S.C. § 1441(a) and 1446(a).

6. This matter is subject to removal based upon diversity of citizenship, pursuant to 28 U.S.C. § 1332. In the alternative, this matter is subject to removal based upon federal question jurisdiction pursuant to 28 U.S.C. § 1331.

Diversity Jurisdiction

7. This Court has jurisdiction over this matter on the basis of diversity jurisdiction. Pursuant to 28 U.S.C. § 1332, District Courts have original jurisdiction of all actions where the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and in which there is complete diversity of citizenship among the parties.

8. Plaintiff is a citizen of the State of Missouri. *See* Exhibit A, Plaintiff's Petition, ¶ 1.

9. For purposes of diversity jurisdiction, a corporation is deemed to be a citizen of the State in which it was incorporated and the State where it has its principal place of business. 28 U.S.C. § 1332(c)(1). Uber is incorporated in the State of Delaware, and its principal place of business is San Francisco, California. *See* Exhibit B, Declaration of James Molito, ¶ 4. Accordingly, Uber is a citizen of Delaware and California for diversity purposes.

10. Accordingly, there is complete diversity of citizenship between Plaintiff and Defendant and the diversity of citizenship requirement is met.

11. Diversity jurisdiction pursuant to 28 U.S.C. § 1332(a) also requires the amount in controversy, exclusive of interests and costs, to be in excess of \$75,000.

12. Pursuant to 28 U.S.C. 1446(c), the sum demanded in good faith in the initial pleading shall be deemed to be the amount in controversy. Here, Plaintiff demands actual damages of Seven Hundred Sixty-Seven Thousand Four Hundred Sixty-Four Dollars and Ninety-Six Cents (\$767,464.96). *See* Petition. Accordingly, the amount in controversy requirement is satisfied.

Federal Question Jurisdiction

13. In the alternative, this Court possesses original jurisdiction over Plaintiff's Petition, because the Petition appears to allege violations of United States law. Specifically, Plaintiff's Petition asserts that Uber denies the "Civil Rights" of minority drivers. Although his *pro se* Petition does not specify the civil rights statute he is claiming Uber violated, in a prior related case this Court construed Plaintiff's complaint as attempting to assert a violation of 42 U.S.C. § 1981. *See* Case No. 4:19-cv-398, Docket No. 5 at pg 2.

Compliance with Procedural Requirements

14. **Notice:** Simultaneous with the filing of this Notice of Removal, Defendant has notified the Seventh Judicial Circuit Court, Clay County, Missouri, of the removal of this action. No other process, pleadings, or orders have been served or filed in this action.

15. A Civil Cover Sheet and Disclosure of Corporate Interests for Defendant are filed with this Notice.

16. Defendant will promptly provide notice of this Notice of Removal to Plaintiff, pursuant to 28 U.S.C. § 1446.

WHEREFORE, Defendant respectfully requests that this action, now pending in the Seventh Judicial Circuit Court, Clay County, Missouri, be removed to the United States District Court for the Western District of Missouri, Western Division.

Respectfully submitted,

/s/ Patricia Martin

Patricia J. Martin #57420(MO)
pmartin@littler.com
LITTLER MENDELSON, P.C.
600 Washington Avenue
Suite 900
St. Louis, MO 63101
Telephone: 314.659.2000
Facsimile: 314.659.2099

Attorney for Defendant Uber Technologies,
Inc.

CERTIFICATE OF SERVICE

I hereby certify that, on this 26th day of November, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system to be served by operation of the Court's electronic filing system and served via U.S. Mail, and Certified Mail upon the following:

William Fambrough
6101 N. Belleview Avenue
Kansas City, Missouri 64118

Pro se Plaintiff

/s/ Patricia Martin

4826-8048-6317.6 073208.1737

JS 44 (Rev 09/10)

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI****CIVIL COVER SHEET**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Western District of Missouri.

The completed cover sheet must be saved as a pdf document and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s):

First Listed Plaintiff:
William Fambrough ;
1 Citizen of This State;
County of Residence: Clay County

Defendant(s):

First Listed Defendant:
Uber Technologies, Inc. ;
2 Citizen of Another State; Delaware
County of Residence: Outside This District

County Where Claim For Relief Arose: Clay County

Plaintiff's Attorney(s):

Pro Se (William Fambrough)

 , Missouri
Phone: (816) 471-1717
Fax:
Email: fambrough1954@gmail.com

Defendant's Attorney(s):

Attorney Patricia Martin (Uber Technologies, Inc.)
Littler Mendelson, P.C.
600 Washington Avenue, Suite 900
St. Louis, Missouri 63101
Phone: (314) 659-2000
Fax:
Email: pmartin@littler.com

Basis of Jurisdiction: 4. Diversity of Citizenship

Citizenship of Principal Parties (Diversity Cases Only)

Plaintiff: 1 Citizen of This State

Defendant: 2 Citizen of Another State

Origin: 2. Removed From State Court

State Removal County: Clay County

State Removal Case Number: 19CY-CV10623

Nature of Suit: 442 Employment

Cause of Action: 28 U.S.C. § 1332

Requested in Complaint

Class Action: Not filed as a Class Action

Monetary Demand (in Thousands): 767,464.96

Jury Demand: No

Related Cases: IS a refiling of case number 4:19-cv-398, assigned to Judge Kays

Signature: Patricia Martin

Date: 11/26/2019

If any of this information is incorrect, please close this window and go back to the Civil Cover Sheet Input form to make the correction and generate the updated JS44. Once corrected, print this form, sign and date it, and submit it with your new civil action.



**Service of Process
Transmittal**

10/30/2019

CT Log Number 536539909

TO: Rose Barajas
UBER TECHNOLOGIES, INC.
1455 Market St Fl 4
San Francisco, CA 94103-1355

RE: Process Served in Missouri

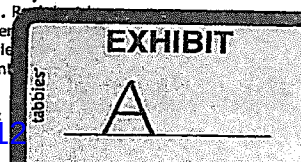
FOR: UBER TECHNOLOGIES, INC. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: WILLIAM FAMBROUGH, PLTF. vs. UBER TECHNOLOGIES, INC., DFT.
DOCUMENT(S) SERVED: Summons, Petition
COURT/AGENCY: Clay County Circuit Court, MO
Case # 19CYCV10623
NATURE OF ACTION: PETITION FOR DAMAGES
ON WHOM PROCESS WAS SERVED: C T Corporation System, Clayton, MO
DATE AND HOUR OF SERVICE: By Certified Mail on 10/30/2019 postmarked: "Illegible"
JURISDICTION SERVED : Missouri
APPEARANCE OR ANSWER DUE: Within 30 days after receiving this summons, exclusive of the day of service
ATTORNEY(S) / SENDER(S): William Fambrough
6101 N Bellevue Ave.
Kansas City, MO 64118
816-471-1717
ACTION ITEMS: CT has retained the current log, Retain Date: 10/31/2019, Expected Purge Date:
11/05/2019
Image SOP
Email Notification, Rose Barajas rbarajas@uber.com
Email Notification, Dylan Tonti tonti@uber.com
Email Notification, Allison Garrett agarrett@uber.com
Email Notification, Rose Barajas rbarajas@uber.com
SIGNED: C T Corporation System
ADDRESS: 1999 Bryan Street
Suite 900
Dallas, TX 75201
For Questions: 866-665-5799
SouthTeam2@wolterskluwer.com

Page 1 of 1 / JN

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and taking appropriate action. Signatures on certificates confirm receipt of package only, not contents.



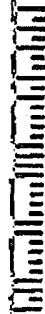
Clay County Circuit Clerk
Seventh Judicial Circuit of Missouri
11 S. Water
Liberty, MO 64068

CERTIFIED MAIL®



9424 7266 9904 2319 9855 94

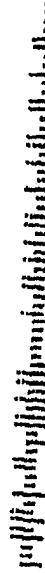
ZIP 64038
041111250233



UBER TECHNOLOGIES INC
SRV: CT CORP SYSTEMS - RA
120 S CENTRAL AVE
CLAYTON, MO 63105

"IMPORTANT COURT
DOCUMENTS ENCLOSED"

63105-170599





IN THE 7TH JUDICIAL CIRCUIT COURT, CLAY COUNTY, MISSOURI

Judge or Division: SHANE TERRIL ALEXANDER	Case Number: 19CV-CV10623
Plaintiff/Petitioner: WILLIAM FAMBROUGH	Plaintiff's/Petitioner's Attorney/Address
vs.	
Defendant/Respondent: UBER TECHNOLOGIES INC	Court Address: 11 S WATER LIBERTY, MO 64068
Nature of Suit: CC Other Tort	

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: **UBER TECHNOLOGIES INC**

Alias:

SRV: CT CORP SYSTEMS RA
120 S CENTRAL AVE
CLAYTON, MO 63105

**BRING PAPERWORK WITH
YOU TO COURT**

COURT SEAL OF



CLAY COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

10/28/2019

Date

BARB WILMOT

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

(name)

(title).

☐ other

Served at (address)

in (County/City of St. Louis), MO, on (date) at (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on (date).

My commission expires:

Date

Notary Public

Sheriff's Fees

Summons

\$

Non Est

\$

Sheriff's Deputy Salary

Supplemental Surcharge

\$

10.00

Mileage

\$

(miles @ \$. per mile)

Total

\$

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

FILED

OCT 24 2019

IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI

TIME

Clay County Circuit Court

WILLIAM FAMBROUGH
6101 N Belleview Ave
Kansas City, Missouri 64118-3063,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.
Serve: Registered Agent
C T CORPORATION SYSTEM
120 South Central Ave
Clayton, MO 63105

Defendant.

Case
Cor

19CY-CV10623

1

PETITION FOR DAMAGES

COMES NOW Plaintiff William Fambrough (hereafter referred to as "Plaintiff") and for his cause of action against Defendant Uber Technologies, Inc., (hereafter referred to by name or as "Defendant") states and alleges as follows

1. That, at the time of the events which are the subject of this Petition, Plaintiff was a residence of Kansas City, Clay County, Missouri
2. Defendant's Corporate Offices are not in the State of Missouri.
3. That all acts, transactions, and occurrences alleged herein took place on and/or through Uber's Drivers Platform Application
4. Defendant has processes in place, as stated, " for the safety of the Uber Community". When, those processes and procedures, mask the actuality, of the Defendants blatant discrimination against women and persons of color, the Defendant with malice and

forethought, seeks to deny the Civil Rights of their Minority drivers

5 That, Defendant, when apprised of this discrimination, stated they would fix these discriminatory flaws in their processes and procedures. Defendant assured Plaintiff that these inequitable practices would cease.

6 Defendant failed to fix their discriminatory problems and barred Plaintiff from their platform without any recourse.

7 Defendant's White Male Drivers are not subject to Defendants' bigotry

WHEREFORE, Plaintiff prays that the Court award actual damages which are fair and reasonable to compensate him for his losses in an amount no less than Seven Hundred Sixty-Seven Thousand, Four Hundred Sixty-Four Dollars and Ninety-Six cents, (\$767,464.96), that the costs of this action be assessed against the Defendant, and for such further orders as the Court deems proper in the premises.

William Fambrough - Pro Se
6101 N Belleview Ave
Kansas City, Missouri 64118-3063
Fambrough1954@gmail.com
(816) 471-1717 - Telephone

